APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,739	04/23/2001	Luosheng Peng	10480-011-999	4529

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EXAMINER
MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _12 January 2005_.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-24_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _12 January 2005_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _see Office Action_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 103

2.   Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Thomas Huston et al. (U.S. Pat. App. Pub. 2002/0007402), hereinafter referred to as

Huston, and further in view of Bittinger et al. (U.S. Pat. No. 6,148,340), hereinafter

referred to as Bittinger.

3.   Huston disclosed a method and system for managing network content and

providing the content to users over a communications link. Huston disclosed checking

data stored on a cache on a gateway server (see paragraphs [0020], [0036], Fig. 2A).

Based on the checking, data could then be selected (see paragraph [0021]). Huston

disclosed checking the data for possible updates or the status of the data, which

involved contacting a server for files corresponding to the checked data (see

paragraphs [0020], [0023], [0039]). If applicable, the cached data could then be

updated in accordance with the response received from the server (see paragraph

[0037]). Huston disclosed checking if the files were up-to-date, checking generated

data indicating when a newer version of data has been released, or checking for

updates at periodic intervals (see paragraphs [0020], [0021], [0039], [0055]). Huston

disclosed sequentially checking each of the data items in the cache during a periodic

check (see paragraph [0021]). During a check, selected data was selected when a

newer version of the data was available (see paragraph [0021]). In an aspect of the

disclosed invention relating to security, Huston also disclosed the use of authentication

for establishing connections with servers, requesting access to a cache, or

storing/deleting content (see paragraph [0053]). Additionally, in checking data for

updated versions, Huston disclosed the use of a difference engine, which had the ability

to determine what new content existed on a content server, inherently comprising the

broad concept of using a difference file for comparing old data with updated data (see

paragraphs [0040], [0055]). Huston also disclosed maintaining a table related to

updated content data (see paragraph [0043]).

4.   While Huston disclosed periodically checking, selecting, and updating data

through the use of a content server, Huston did not specifically disclose the data to

comprise records corresponding to a set of files. It is noted that Huston did recognize a

general problem in efficiently providing content over a network and stated the difference

in doing so between conventional direct approaches and the cache approach (see

paragraph [0012]). However, even as Huston favored the use of a cache approach,

Huston noted a practical limitation in the amount of storage available for a cache (see

paragraph [0014]). In light of this fact, one of ordinary skill in the art would have then

been motivated to consider ways to overcome this limiting design factor.

5.   In a related art of network communication, Bittinger disclosed a method and

system for efficiently updating stored data on a client when updates were determined to

exist on a server (see Abstract). In this way, it was similar to the invention of Huston,

and further shared a method of comparing cached data with newer versions to create a

difference file for updating the data before delivering to a client (see column 5, lines 28-

61). Of most interest however is the type of data used in by Bittinger, which comprised

a "container" architecture of a directory record corresponding to a set of files (see

column 3, lines 54-58; Fig. 5).

6.   It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teachings of Huston and Bittinger to provide a system for

periodically checking and updating a cache of data through the use of a content server,

the data further comprising a set of records each corresponding to a set of files as

claimed. One of ordinary skill in the art would have been motivated to consider the use

of the container architecture as taught by Bittinger for its efficiency and also for the

smaller size of data it produced (see column 6, lines 23-34). The inclusion of such a

data format in the invention of Huston would have proved beneficial in overcoming the

problems relating to limited cache storage space recognized by Huston.

Response to Arguments

7.   Applicant's arguments filed 01/12/05 have been fully considered but they are not

persuasive.

8.   Regarding claims 1-24 rejected under 35 U.S.C. 103(a) as being unpatentable

over Huston et al. (U.S. Pat. App. Pub. 2002/0007402) in view of Bittinger (U.S. Pat. No.

6,148,340), Applicant asserts that that Bittinger does not disclose the newly amended

limitation reciting a plurality of fields indicating at least an update status relating to the

set of files. Specifically, Applicant asserts that neither the directory nor the objects in

each container of Bittinger indicates an update status of the container. Examiner

submits that the broad concept of fields for indicating an update status of a set of files is

taught by Bittinger. As acknowledged by Applicant, Bittinger uses unique identifiers for

determining if an update is required or not (see column 4, lines 2-10). The identifiers in

this case read upon the broadly claimed fields, which are clearly used for indicating an

update status of the containers. Applicant further asserts that in contrast, claim 1

recites a record including a plurality of fields that indicates at least an update status of

the corresponding set of files, without having to compare an identifier of the set of files

to an identifier of another set of files. However, in response to applicant's argument that

the references fail to show certain features of applicant's invention, it is noted that the

features upon which applicant relies (i.e., determining an update status without having

to compare identifier/fields of sets of files) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Dugan et al. (U.S. Pat. No. 6,804,711)

Lomet (U.S. Pat. No. 6,490,594)

Dugan et al. (U.S. Pat. No. 6,425,005)

Obermarck et al. (U.S. Pat. No. 6,292,808)

Lomet (U.S. Pat. No. 5,946,698)

Draper et al. (U.S. Pat. No. 5,924,096)

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MARC D. THOMPSON

JM

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PRIMARY EXAMINER